

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Howard W. Amos,

Civ. No. 22-2108 (JWB/DLM)

Plaintiff,

v.

**ORDER ACCEPTING
REPORT AND RECOMMENDATIONS
OF MAGISTRATE JUDGE**

Ryan Kelly, Chad Conner, Peng Moua,
Dirk Spree, Ryan Miller, and Kurtis
Schoonover, *in their individual and official
capacities*, John Doe and Jane Doe, *in their
individual capacities*, North Memorial
Medical Center, *in their individual and
official capacity*, and the City of
Minneapolis,

Defendants.

United States Magistrate Judge Douglas L. Micko issued Report and Recommendations on October 27, 2023 (Doc. No. 67) and on January 17, 2024 (Doc. No. 76) (collectively “the R&Rs”). No objections have been filed to the R&Rs in the time permitted. In the absence of timely objections, the R&Rs are reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Upon review of both R&Rs, no clear error is found.

Based on the R&Rs of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The October 27, 2023 Report and Recommendation (Doc. No. 67) is **ACCEPTED**;
2. Defendant Ryan Miller is **DISMISSED WITHOUT PREJUDICE** from

this action due to Plaintiff Howard W. Amos's failure to effect timely service under Federal Rule of Civil Procedure 4(m);

3. The January 17, 2024 Report and Recommendation (Doc. No. 76) is **ACCEPTED**;

4. All claims against Defendants John Doe, Jane Doe, and North Memorial Medical Center are **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to prosecute under Federal Rule of Civil Procedure 41(b);

5. Defendants John Doe, Jane Doe, and North Memorial Medical Center's Motion to Dismiss (Doc. No. 39) is **DENIED AS MOOT**;

6. Defendants Ryan Kelly, Chad Conner, Peng Moua, Dirk Spee, Kurtis Schoonover, and the City of Minneapolis' Motion for Judgment on the Pleadings (Doc. No. 46) is **GRANTED**;

7. Defendants Chad Conner, Peng Moua, Dirk Spee, and the City of Minneapolis are **DISMISSED WITHOUT PREJUDICE** from this action due to Plaintiff's failure to effect timely service under Federal Rule of Civil Procedure 4(m);

8. Plaintiff's claims for assault and battery under Minnesota law are **DISMISSED WITH PREJUDICE** per Minn. Stat. § 541.07; and

9. Plaintiff's Motion to Stay the Motion for Judgment on the Pleadings (Doc. No. 68) is **DENIED**.

Date: February 26, 2024

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge